

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CASE NO. MJ07-509
)	
v.)	
)	
RAY KYLES,)	DETENTION ORDER
)	
Defendant.)	
)	

Offenses charged in the Eastern District of Washington:

Count 1: Possession with the Intent to Distribute Cocaine Base, in violation of Title 21, U.S.C., Sections 841(a)(1), and 841(b)(B)(iii);

Count 2: Conspiracy to Possess with the Intent to Distribute Cocaine Base, in violation of Title 21, U.S.C., Section 846.

Date of Detention Hearing: October 29, 2007

The Court conducted both an uncontested detention hearing pursuant to Title 18 U.S.C. § 3142(f) and a preliminary Rule 5(c)(3) inquiry. The defendant waived his rights to a full Rule 5(c)(3)(D) hearing and the Court signed an order of transfer to the originating district court of the Eastern District of Washington to answer the charges. The Court finds that, based upon the factual findings and statement of reasons for detention hereafter set forth, no condition or combination of conditions which the defendant can meet will reasonably assure the appearance of the defendant as required and the safety of any other person and the community. The Government was represented by Roger Rogoff. The defendant was represented by Jennifer Wellman.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) There is probable cause to believe the defendant committed the drug offenses of conspiracy to distribute cocaine. The maximum penalty is in excess of ten years.

1 There is therefore a rebuttable presumption against the defendant's release based
2 upon both dangerousness and flight risk, under Title 18 U.S.C. § 3142(e).

3 (2) Due to the nature of the charges and Defendant's criminal history, which includes
4 a history of failing to appear, he is viewed as a risk of nonappearance.

5 (3) The defendant does not contest detention at this time, reserving the right to
6 address detention at the Eastern District of Washington.

7 **It is therefore ORDERED:**

8 (1) Defendant shall be detained pending trial and committed to the custody of the
9 Attorney General for confinement in a correctional facility separate, to the extent
10 practicable, from persons awaiting or serving sentences, or being held in custody
11 pending appeal;

12 (2) Defendant shall be afforded reasonable opportunity for private consultation with
13 counsel;

14 (3) On order of a court of the United States or on request of an attorney for the
15 Government, the person in charge of the correctional facility in which Defendant
16 is confined shall deliver the defendant to a United States Marshal for the purpose
17 of an appearance in connection with a court proceeding; and

18 (4) The clerk shall direct copies of this order to counsel for the United States, to
19 counsel for the defendant, to the United States Marshal, and to the United States
20 Pretrial Services Officer.

21 DATED this 30th day of October, 2007.

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24 MONICA J. BENTON
25 United States Magistrate Judge
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